

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE JOINT RESOLUTION NO. 85

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SOLON (Sponsor), DAY, BRATTIN,  
DAVIS AND FISHER (Co-sponsors).

6228L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Section 39(b), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39(b), to read as follows:

Section 39(b). 1. The general assembly shall have authority to authorize a Missouri state lottery by law. If such legislation is adopted, there shall be created a "State Lottery Commission" consisting of five members who shall be appointed by the governor with the advice and consent of the senate and who may be removed, for cause by the governor and who shall be chosen from the state at large and represent a broad geographic spectrum with no more than one member chosen from each federal congressional district. Each member at the time of his **or her** appointment and qualification shall have been a resident of this state for a period of at least five years next preceding his **or her** appointment and qualification and shall also be a qualified elector therein and be not less than thirty years of age. No more than three members of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 commission shall be members of the same political party. Members of the commission shall  
11 have three-year terms as provided by law. Members of the commission shall receive no salary  
12 but shall receive their actual expenses incurred in the performance of their responsibilities. The  
13 commission shall employ such persons as provided by law. The commission shall have the  
14 authority to join other states and jurisdictions for the purpose of conducting joint lottery games.

15       2. The money received by the Missouri State lottery commission from the sale of  
16 Missouri lottery tickets, and from all other sources, shall be deposited in the "State Lottery  
17 Fund", which is hereby created in the state treasury. **No later than July 1, 2013, the state  
18 lottery commission shall develop and begin selling electronic pull-tab cards, and all net  
19 proceeds received from the sales of such electronic pull-tab cards after payment of prizes  
20 and administrative expenses, shall be deposited solely in the veterans' commission capital  
21 improvements trust fund, as provided by law.**

22       3. **Except as provided in subsection 2 of section 39(b)**, the monies received from the  
23 Missouri state lottery shall be governed by appropriation of the general assembly. Beginning  
24 July 1, 1993, monies representing net proceeds after payment of prizes and administrative  
25 expenses shall be transferred by appropriation to the "Lottery Proceeds Fund" which is hereby  
26 created within the state treasury and such monies in the lottery proceeds fund shall be  
27 appropriated solely for public institutions of elementary, secondary and higher education.

28       4. A minimum of forty-five percent of the money received from the sale of Missouri state  
29 lottery tickets shall be awarded as prizes.

30       5. The commission shall have the authority to purchase and hold title to any securities  
31 of the United States government or its agencies and instrumentalities thereof for prizes, as  
32 provided by law.

33       6. Until July 1, 1993, any person possessing a department of revenue retail sales license  
34 as provided by law or any chartered civic, fraternal, charitable or political organization or labor  
35 organization shall be eligible to obtain a license to act as a lottery ticket sales agent except a  
36 license to act as an agent to sell lottery tickets shall not be issued to any person primarily engaged  
37 in business as a lottery ticket sales agent. Until July 1, 1993, the general assembly may impose  
38 additional qualifications on such persons to obtain a lottery ticket sales agent license as it deems  
39 appropriate. Until July 1, 1993, the commission is also authorized to sell lottery tickets at its  
40 office and at special events as provided by law. Beginning July 1, 1993, the general assembly  
41 shall enact laws governing lottery ticket sales.

42       7. Revenues produced from the conduct of a state lottery shall not be part of "total state  
43 revenues" as defined in sections 17 and 18 of article X of this constitution and the expenditure  
44 of such revenue shall not be an "expense of state government" under section 20 of article X of  
45 this constitution.